

Amendment No. 1 to HB2858

Watson
Signature of Sponsor

AMEND Senate Bill No. 2787

House Bill No. 2858*

by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(2)

(A) The following persons who draw blood who, acting at the written request of a law enforcement officer, withdraws blood from a person for the purpose of conducting either or both tests, shall not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing:

(i) Any physician;

(ii) Registered nurse;

(iii) Licensed practical nurse;

(iv) Clinical laboratory technician;

(v) Licensed paramedic;

(vi) Licensed emergency medical technician approved to establish intravenous catheters;

(vii), Technologist; or

(viii) A trained phlebotomist who is either operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood.

(B) Neither shall the hospital nor other employer of the health care professionals listed in this subdivision (a)(2) incur any civil or criminal liability as a result of the act of withdrawing blood from any person, except for negligence.

AND FURTHER AMEND by deleting the amendatory language of Section 2 in its entirety and by substituting instead the following:

(a) The procurement of a sample of a person's blood for the purpose of conducting a test to determine the alcohol content, drug content, or both, of the blood as provided by §§ 55-10-405 — 55-10-412, to be considered valid under §§ 55-10-405 — 55-10-412, shall be performed by a:

- (1) Registered nurse;
- (2) Licensed practical nurse;
- (3) Clinical laboratory technologist;
- (4) Clinical laboratory technician;
- (5) Licensed emergency medical technician;
- (6) Licensed paramedic;
- (7) Licensed emergency medical technician, notwithstanding any other provision of law to the contrary, who is approved to establish intravenous catheters;
- (8) Technologist; or
- (9) Trained phlebotomist who is either operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or who has been properly trained by a current or former employer or certified to draw blood, or at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the department of health.